

1 Douglas R. Young (State Bar No. 073248)  
dyoung@fbm.com  
2 Christopher C. Wheeler (State Bar No. 224872)  
cwheeler@fbm.com  
3 Russell E. Taylor (State Bar No. 320375)  
rtaylor@fbm.com  
4 Farella Braun + Martel LLP  
235 Montgomery Street, 17<sup>th</sup> Floor  
5 San Francisco, California 94104  
Telephone: (415) 954-4400  
6 Facsimile: (415) 954-4480

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 DAVID WIT, et al.,  
11 Plaintiffs,

12 vs.

13 UNITED BEHAVIORAL HEALTH,  
14 Defendant.

Case No. 14-cv-02346-JCS  
Related Case No. 14-cv-05337 JCS

**SPECIAL MASTER'S APPLICATION  
FOR LEAVE TO ENGAGE  
PSYCHIATRIC CONSULTANTS**

The Hon. Joseph C. Spero

15  
16 GARY ALEXANDER, et al.,  
17 Plaintiffs,

18 vs.

19 UNITED BEHAVIORAL HEALTH,  
20 Defendant.

1 The Special Master submits this application for leave to engage Dr. David Gastfriend, M.D.,  
 2 and Dr. Kenneth Minkoff, M.D., as psychiatric consultants to assist the Special Master in discharging  
 3 his duties under the Court's January 27, 2021 Order Appointing Special Master (Wit Docket No. 528).

4 The Court's Appointment Order provides: "Subject to Court Approval, the Special Master may  
 5 [ ] engage one or more psychiatrists or other individuals with expertise in mental health and/or  
 6 substance use disorder treatment to provide assistance that he deems necessary and appropriate."

7 The parties identified Dr. Gastfriend and Dr. Minkoff as potential psychiatric consultants, and  
 8 have agreed that both Dr. Gastfriend and Dr. Minkoff are qualified and should be engaged. The  
 9 Special Master has interviewed each of the doctors, and has concluded that each would provide  
 10 necessary and appropriate assistance to the Special Master in the discharge of his duties, including  
 11 overseeing and verifying the development and implementation of the mandatory training program  
 12 regarding faithful application of appropriate coverage criteria as set forth in Section IV.B.2.b. of the  
 13 Court's Remedies Order.

14 Dr. David Gastfriend, M.D., is an addiction psychiatrist and an internationally recognized  
 15 addiction treatment researcher. As a distinguished fellow of the American Society of Addiction  
 16 Medicine ("ASAM"), Dr. Gastfriend has been a co-editor of the ASAM Criteria for placing patients in  
 17 addiction treatment programs. Dr. Gastfriend also developed the computerized implementation of the  
 18 ASAM Criteria and is the leading international researcher on efforts validating and disseminating these  
 19 standards. ASAM recognizes Dr. Gastfriend as the "Chief Architect of the ASAM Criteria Software."<sup>1</sup>  
 20 Dr. Gastfriend served on the faculty for Harvard Medical School from 1981 through 2008 and was the  
 21 Director of the Addiction Research Program at Massachusetts General Hospital's Department of  
 22 Psychiatry for five years.

23 Dr. Kenneth Minkoff, M.D., is a community psychiatrist and an addiction psychiatrist on the  
 24 board of the American Association for Community Psychiatry ("AACP")—the organization that  
 25 developed Level of Care Utilization System for Psychiatric and Addiction Services ("LOCUS"). He

26 \_\_\_\_\_  
 27 <sup>1</sup> See, e.g., ASAM Press Release, "American Society of Addiction Medicine releases new  
 28 treatment criteria, modernizing care for addictive disorders," (Oct. 25, 2013) available at  
[https://www.asam.org/docs/default-source/pressreleases/asam-releases-new-treatment-criteria\\_2013-10-25](https://www.asam.org/docs/default-source/pressreleases/asam-releases-new-treatment-criteria_2013-10-25).

1 contributed to the original development of LOCUS. He is working with health plans across the  
 2 country on implementation of LOCUS and Child and Adolescent Level of Care Utilization System  
 3 (“CALOCUS”). Dr. Minkoff is a member of the committee that is overseeing the unification of  
 4 CALOCUS and the Child and Adolescent Service Intensity Instrument into one standardized  
 5 assessment instrument. Dr. Minkoff works with the National Council for Behavioral Health LOCUS  
 6 Advisory Committee on issues relating to research and evaluation of LOCUS and related assessment  
 7 instruments. Dr. Minkoff is an assistant professor of psychiatry at Harvard Medical School, where he  
 8 has been on faculty since 1976.

9 UBH has submitted an initial proposed training plan, which the parties are discussing. The  
 10 Special Master has concluded that Dr. Gastfriend and Dr. Minkoff would offer valuable professional  
 11 perspectives that would assist the Special Master in evaluating UBH’s proposed plan as it evolves in  
 12 response to ongoing review and discussions between the parties, including any differences of opinion  
 13 between the parties regarding the plan’s efficacy. In addition, once the proposed training plan is  
 14 approved, Dr. Gastfriend and Minkoff could assist the Special Master in overseeing and verifying  
 15 implementation of the training program, including by attending selected training sessions along with  
 16 the Special Master.<sup>2</sup>

17 Accordingly, the Special Master requests that the Court enter the accompanying [Proposed]  
 18 Order providing leave for the Special Master to engage Dr. Gastfriend and Dr. Minkoff.

19 Respectfully submitted,

20 FARELLA BRAUN + MARTEL

21 Dated: March 8, 2021

22 By: /s/ Douglas R. Young  
 23 Douglas R. Young  
 24 Special Master

25 39719\13975936.2

26 <sup>2</sup> Pursuant to Section IV.B.2.b. of the Remedies Order, UBH is required to complete this training  
 27 by April 27, 2021. However, in light of the parties’ ongoing review and discussions regarding  
 28 UBH’s current draft of the proposed plan and the time needed for Doctors Gastfriend and Minkoff  
 to complete their work (if the Court approves this Application), it may be necessary for the parties  
 to jointly request that this deadline be extended.